

A meeting of the Jasper County Board of Zoning Appeals was held Monday, May 22, 2017 at 7:00pm. in the Commissioners' Room of the Jasper County Courthouse, Rensselaer, Indiana. Members present: Kent Korniak, Scott Walstra, Jim Martin and Lance Strange. Also present: Todd Sammons, Randle and Sammons, Administrative Attorney; Mary Scheurich, Director and Kelli Standish, Secretary. Absent was: Mark Jordan.

Meeting was called to order by President Jim Martin. The Pledge of Allegiance was recited. The first order of business was the call for approval of the March 2017 minutes.

Scott Walstra made the motion to approve the March 2017 minutes. Motion was seconded by Lance Strange and carried unanimously.

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Use Variance or Special Exception

Cause#BZA-3-17

Applicant: Douglas & Barbara Mulder

Location : Sec.18-31-5 – Walker Twp. – 800N. E. of St.Rd. 49 N-side

Use: Proposed storage for RV's & Boats in a previous poultry building

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Public hearing held pursuant to notice published May 10, 2017 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Attorney Gabrielse was present and stated that he is representing the applicants. He presented some pictures of what the building looks like to the board members. He was not sure on which application to file for so he filed for a Use Variance and a Special Exception and thought the board could decide which application fit the request the best. There is an existing building that is located on the property that was used for poultry. The applicants no longer have poultry in the building and are requesting to use the building as a storage unit for RV's. The Home Base type 3 under the Special Exception requirements is more intense than what they plan on doing. The home base says they can have 4 employees which the Mulder's will not have any employees other than themselves. Under the Special Exception requirement it says the building cannot be larger than 4000 sq feet and the existing building is 9,600 square feet. They would need to ask for a variance if the board members approved the proposed application under a Special Exception application. They would be able to put a sign on the building but as you can see that would not help people find the business. They would like to put a sign in the front yard along the road so people can see what they are advertising. If the board approved the application under a use variance they would not need a variance for the size of the building or the location of the sign.

Scott Walstra stated that he feels the application would fit better under a Use Variance Application since you would not need to ask for any variances. He then asked Mary Scheurich if the use variance is only good for the proposed building. He also asked if there will be anything stored outside of the building.

Mary Scheurich replied affirmatively and said the use variance is only approved for Douglas and Barbara Mulder and the proposed use (storage for RV's).

Attorney Gabrielse replied in the negative. No once you store things outside you then have a junk yard and that is not what Mr. & Mrs. Mulder propose to do.

Kent Korniak asked there was any security around the building?

Douglas Mulder replied in the negative. There are two existing doors located on the back side of the building that they made wider. This will not be like normal u-locks. There are no individual stalls located in the building. There will be a contract they have to sign and they have to give them one weeks' notice if they want to get into the building.

Jim Martin asked if anyone present had any opposition to the application. There was none.

Attorney Gabrielse then read the proposed facts of findings that he has provided to the board members.

- (i) The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.

**RESPONSE: Changing the use of this large existing building from a confined feeding operation to a simple storage facility will not affect the public health of the community; will not pose any safety risks to the public; will not be injurious to the morals of the community; and will not negatively affect the general welfare of the community.**

- (ii) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

**RESPONSE: No neighboring property will be adversely affected by changing the use of this large existing building from a confined feeding operation to a simple storage facility. This change of use is a distinct positive benefit for all neighboring properties.**

- (iii) That the need for the use variance arises from some condition peculiar to the property involved.

**This building is a large well built structure that no longer serves as a confined feeding building. There is no other reasonable use for the building as an agricultural building, and it would be detrimental to require the tear-down of this building since it can be economically beneficial to the owners, to area residents, and to Jasper County to keep this building in use as a passive storage facility as a part of the tax base for the County.**

- (iv) The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

**RESPONSE: This building is a large well built structure that no longer serves as a confined feeding building. There is no other reasonable use for the building as an agricultural building, and it would be detrimental to require the tear-down of this building since it can be economically beneficial to the owners, to area residents, and to Jasper County to keep this building in use as a passive storage facility as a part of the tax base of the county.**

- (v) The approval does not interfere substantially with the Jasper County Comprehensive Plan.

**This building was approved for a commercial confined feeding operation in 1998 as compatible with the surrounding area and not in conflict with the Jasper County Comprehensive Plan. The conversion of this large confined feeding building to a passive storage facility for RVs is a much less intensive use of the building, and therefore even more compatible with the Jasper County Comprehensive Plan now that it originally was when approved.**

Scott Walstra made the motion to grant approval for the application as a Use Variance with the findings of facts as presented by the applicant. Motion was seconded by Kent Korniak and carried unanimously.

Jim Martin stated that there is a motion to approve the application, and the board must consider the findings in Article 9, Use Variance 9.19 (7)(b)(i) through (v).

Jim Martin then read these to the Board:

- (i) The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.

The board unanimously voted that the applicant met the requirements of (i).

- (ii) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The board unanimously voted that the applicant met the requirements of (ii).

- (iii) That the need for the use variance arises from some condition peculiar to the property involved.

The board unanimously voted that the applicant met the requirements of (iii).

- (iv) The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.

The board unanimously voted that the applicant met the requirements of (iv).

- (v) The approval does not interfere substantially with the Jasper County Comprehensive Plan.

The board unanimously voted that the applicant met the requirements of (v).

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#### Discussion on Rules of Procedures

Mary Scheurich stated that they are referenced in the UDO if the board will look over them and then discuss any concerns they may have.

The board members stated that under Article 7 Public Hearings (7.4 i) “ All persons giving testimony to the Board shall complete a “Record of Public Hearing Appearance and Presentation of Evidence” form before or at the Board of Zoning Appeals meeting?” Is highlighted and were wondering if that is something they need to start doing?

Mary Scheurich replied that the reason it is highlighted is basically seeing if the board members think that is a good idea or not.

Lance Strange stated that maybe this would help keep things in better order for when the people come here to speak on behalf of an application.

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#### Public Comments

There were none.

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Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

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Scott Walstra, Vice Chairman